

CHEN
Appl. No. 10/031,485
August 27, 2003

REMARKS/ARGUMENTS

Claims 1 and 4-14 stand allowed, with claims 2 and 3 rejected in the outstanding Official Action. Claims 2 and 3 have been amended and therefore claims 1-14 remain in this application.

The Examiner's acknowledgment of receipt of applicant's priority claim and receipt of the certified copy of the priority document is very much appreciated.

Applicant also appreciates the forwarding of the acknowledgment of review of the documents noted in applicant's Information Disclosure Statement. Applicant especially appreciates the correction of the misidentified references contained on the PTO Form 1449.

The Patent Office objects to the Abstract. It is also appreciated that the Examiner has brought the Abstract to the applicant's attention. It is noted that the objection to the Abstract appears to be an indication that the originally filed specification (transmitted from WIPO) doe not meet the formality requirements of the U.S. Patent and Trademark Office. The Patent Office is reminded that the U.S. Patent and Trademark Office must comply with all articles of the Patent Cooperation Treaty (PCT) including Article 27. It has been held that:

"if the rule and interpretation of the PTO conflicts with the PCT, it runs afoul of Article 27 of the PCT which provides in part:

- (1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations."
- Caterpillar Tractor v. Commissioner*, 231 USPQ 590, 591 (EDVA 1986).

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The Patent Office has referenced this decision in the Official Gazette dated September 9, 1986 (1070 TMOG 5).

As a consequence, the Patent Office may not require Abstract changes as long as the originally submitted documents comply with the PCT requirements. Inasmuch as this specification was forwarded for WIPO, by definition, it meets the PCT requirements (it is not forwarded until it meets PCT requirements.). Therefore, the objection to the Abstract is respectfully traversed and reconsideration thereof is respectfully requested.

Notwithstanding the above, applicant has included a retyped Abstract on a separate sheet.

Claims 2 and 3 stand rejected under 35 USC §112 (second paragraph), with the Office alleging that there is "insufficient antecedent basis" for the term "the aperture stop" in claims 2 and 3. Applicant notes that the existence of an "aperture stop" is inherent in the recitation of a lens. Every lens has an aperture stop. Applicant notes MPEP Section 2173.05(e) establishes that where inherent components of elements have antecedent basis in the recitation of the component itself it is unnecessary for applicant to specifically include *in haec verba* support in a claim. Such is believed the case here.

Notwithstanding the above, applicant has amended claims 2 and 3 to specifically recite that each of the compound lenses has an aperture stop.

The Examiner's indication of allowance of claims 1 and 4-14 and the indication of allowable subject matter in claims 2 and 3 is very much appreciated.

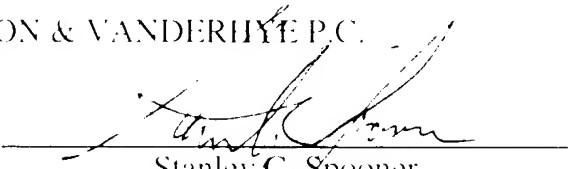
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Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-14 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

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Enclosure: Abstract of the Disclosure